[Mr. P. K. Narayana Pillai.]

NOES—23.

Mr. T. M. Chidambaratanu Pillai.	Mr. J. John Nidiry.
,, A. Govinda Menon.	,, M. N. Pillai.
,, A. Hoogewerf.	,, N. Padmanabha Pillai.
,, M. K. Khadir Pillai	,, Joseph Panjikaran.
,, C. P. Kochukunju Pillai.	,, K. Paramesvaran Pillai.
,, S. Krishna Aiyar.	,, G. Paramesvaran Pillai.
,, N. Kumaran.	,, K. C. Raja Raja Varma.
,, T. Kumara Pillai.	,, N. Ramakrishna Pillai.
,, V. Kunjukrishna Pillai	,, C. Ramankunju.
,, M. R. Madhava Variar.	,, K. P. Raman Pillai.
,, P. K. Narayana Pillai.	,, Dominic Tomman.
	,, T. K. Velu Pillai.

The motion was declared lost.

THE REVENUE SUMMONS REGULATION AMENDMENT BILL.

MR V. SUBBA AIYAR: I beg to move that the Revenue Summons Regulation Amendment Bill be read in Council.

MR. S. PARAMESVARA AIYAR: I second it.

MR. V. SUBBA AIYAR: As it is, the Land Revenue Commissioner has no power to summon anybody and, therefore, that defect has been rectified and the Bill has been reprinted without any addition or serious modification except insofar as the Land Revenue Commissioner is also given the power to issue revenue summons in matters mentioned in the Regulation itself, along with the Division Peishkar. The Sections are rearranged without any material alteration. I beg to move that the principle of the Bill be accepted.

MR. P. K. NARAYANA PILLAI: What is the particular occasion on which the Land Revenue Commissioner has to summon anybody? Is he not generally hearing appeals only?

MR. V. SUBBA AIYAR: The occasions may be very few; but still a provision is absolutely necessary.

MR. P. K. NARAYANA PILLAI: How has he been doing it till now?

MR. V. SUBBA AIYAR: Mr. P. K. Narayana Pillai might know that the office itself was created only recently.

MR. P. K. NARAYANA PILLAI: Before this occasion has he not been summoning anybody?

DEPUTY PRESIDENT: It might be that he was summoning, but the men refused to attend. That is why you have to make a statutory provision.

MR. P. K. NARAYANA PILLAI: I wish to hear the Land Revenue Commissioner himself on this point.

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MR. G. PARAMESVARAN PILLAI: I support the principle of this Bill.

MR. P. K. NARAYANA PILLAI: I fear no necessity has been made out to enable the Land Revenue Commissioner to summon anybody. The learned mover has not shown any necessity as to why the Land Revenue Commissioner should be empowered to summon, and to penalise, if the witness summoned does not attend. As it is, the Land Revenue Commissioner is the superior officer to all the Peishkars and all the Tahsildars. So, if he wants any witness to turn up before him, he can direct his subordinates and ask them to summon. With due deference to the suggestions of the learned mover, the necessity seems to be of such a rare occurrence that it may be considered negligible. When, however, it occurs, the course of action I suggested may be followed. If it is a real necessity, I am prepared to grant it.

DEPUTY PRESIDENT: It does not involve a question of policy as in the case of appeals. It is only a question of summoning witnesses.

MR. K P. RAMAN PILLAI: I also agree with my friend, Mr. P. K. Narayana Pillai, that no necessity has been made out for introducing this Bill. There is already a cry in the land that we are having too much of legislation. Any person residing in any part of Travancore may be summoned by the Land Revenue Commissioner, since his jurisdiction extends throughout the State. If he fails to answer the summons, there is a penalty of Rs. 50 provided in the Section. I doubt even if the Dewan possesses such a power and hence I consider it to be dangerous. There is nothing in the Section to show that the summons should be personally served. Lawyers and laymen are both familiar with the method of serving summons. I think this provision for the penalty is also mischievous. Again, sub-section (2) to Section 1 says that, when a person whose evidence may be required is unable to attend from sickness or infirmity, he may be examined by a subordinate officer deputed for the purpose. In my opinion, the rank of the subordinate officer ought to be mentioned, *i e.*, whether he should be a Tahsildar or Assistant Tahsildar or any other subordinate. With these observations I oppose the motion.

MR. J. JOHN NIDIRY: May I know from the Law Member whether he is going to provide anything for the batta of the witness?

DEPUTY PRESIDENT: That is a general question; it does not arise in connection with revenue summons.

MR. J. JOHN NIDIRY: Suppose a man is summoned from Parur. He will have to go all the way from there to Cape Comorin to appear before the Land Revenue Commissioner.

DEPUTY PRESIDENT: What is the provision in the Civil Procedure Code?

MR. J. JOHN NIDIRY: That is a different provision.

DEPUTY PRESIDENT: You have got a Regulation—the Revenue Summons Regulation, which might provide for it. This is only an amendment.

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[Mr. P. K. Narayana Pillai.]

MR. J. JOHN NIDIRY: There the area is limited.

MR. T. K. VELU PILLAI: Sir, on hearing Mr. P. K. Narayana Pillai, Mr. K. P. Raman Pillai and others, I also feel that the amendment is unnecessary.

MR. K. P. RAMAN PILLAI: Hear, hear.

MR. T. K. VELU PILLAI: In civil courts, when appeals are being heard, the judge may summon witnesses, if a necessity to examine them before him is made out. But no clerk in the Munsiff's Court is able to send a summons. In revenue courts, unfortunately, notwithstanding the demur that may be made by the official members, my experience is that a clerk exercises more real authority. Sometimes a clerk fashions the judgment—and, very often, it is in the hand-writing of the clerk himself—

DEPUTY PRESIDENT: I think that does not arise here.

MR. T. K. VELU PILLAI: With due deference to the Chair, I have to say that it does arise.

DEPUTY PRESIDENT: You must accept my ruling.

MR. T. K. VELU PILLAI; I bow to the ruling of the Chairs. Let me proceed. In the Revenue Department it is very often the manager, the head clerk, or the junior clerk, that issues the summons because the traditions of the Revenue Department are such that responsibility is very difficult to be localised. Therefore, when a clerk issues a summons, with the latent powers of the Revenue Commissioner, the man who disobeys the summons or is unable to turn up in obedience thereto is in a very bad predicament. Considering the fact that the Land Revenue Commissioner is in Trivandrum, a witness in Devicolam, who is summoned, will have to put himself to a loss of Rs. 50 or Rs. 100. Unless there is a provision made to make the deposit of process fee and bâtta compulsory, summons should not issue. As it is, I am constrained to oppose the motion.

MR. S. SUBRAHMANYA KARAYALAR; Sir, with due deference to the learned speakers, I beg to differ from them. Before a necessity arises, we should be able to make a provision. To say that, to make a provision, we must wait for a necessity to arise, is quite unpalatable and will not be very reasonable. There is no meaning in saying that we should make provision for children only when the necessity arises, that is, after begetting children. Provision should be made early. Therefore, I am for making a provision before the necessity arises.

MR. P. K. NARAYANA PILLAI: May I know whether the member puts the Land Revenue Commissioner in the same category as a child? (*Laughter.*) The child grows. Does the Land Revenue Commissioner also grow?

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DEPUTY PRESIDENT: You are not fair to Mr. Karayalar.

MR. S. SUBRAHMANIA KARAYALAR. Provision must necessarily be made before necessity arises, because it will be too late to do anything afterwards.

MR. JOSEPH PANJIKARAN: I am of opinion that an officer like the Land Revenue and Income-tax Commissioner should have the right of summoning a witness, but, I think, his power should be kept within proper bounds. As my friend, Mr. K. P. Raman Pillai, has rightly observed, if the power be given to him in the form in which it is presented, the subjects of His Highness the Maha Raja will be put to considerable difficulty and loss at the same time. He must be given the authority to summon a man to appear in his presence for such purposes as giving evidence, etc. That idea in itself is excellent and I approve of it. But it is objectionable if such authority is given without the necessary safeguards in the interests of the people. So, although I approve of the underlying principle of the Bill, I object to its being read in the Council in its present form. It should be redrafted with all the necessary safeguards.

DEPUTY PRESIDENT: That will essentially be the function of the Select Committee.

MR. JOSEPH PANJIKARAN: In that case I need not offer my views.

DEPUTY PRESIDENT: You are the sole authority of your views. What you consider to be the essential safeguards for ensuring public convenience, as for instance, the provision in the Civil Procedure Code, which says that no man beyond a certain distance should be compelled to appear before a Court, you may bring forward. They could be considered by the Select Committee. If, on the other hand, you object to the principle of the Bill, you may say so.

MR. JOSEPH PANJIKARAN: I do not object to the acceptance of the principle of the Bill. I would only request the members of the Select Committee who might sit over it to introduce the necessary safeguards.

MR. T. K. VELU PILLAI; I rise to a point of order. My friend is not at liberty to make suggestions to the Select Committee at this stage. My friend should not presage the decision of this Council.

MR. JOSEPH PANJIKARAN; I do not presage the decisions of this Council. I have a right to say everything that I have got to say on the point. So, I repeat that the members of the Select Committee should examine all the Sections very carefully and see that such benevolent provisions are introduced therein as are necessary to safeguard the interests of the subjects of His Highness the Maha Raja.

MR. V. SUBBA AIYAR: Sir, here again, in the first place, the question is whether the Land Revenue Commissioner should have the

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[Mr. V. Subba Aiyar.]

power to summon witnesses or not. It is suggested that he may ask somebody else to do it.

MR. J. JOHN NIDIRY: May I know whether the Dewan has got the power to summon witnesses?

MR. V. SUBBA AIYAR: He has not, because I believe he does not record evidence himself.

MR. T. K. VELU PILLAI: I repeat the question. Has he got the power, though he does not use it?

MR. V. SUBBA AIYAR: No, I repeat he does not do it. What I say is that the question of asking the Division Peishkar to summon is rather against the principle of summoning. The Peishkar can issue summons to a person to appear before himself and not to appear before somebody else. So, the Land Revenue Commissioner should have the power to summon witnesses himself.

The next question suggested is whether he can summon anybody from the northernmost corner of the State and ask him to travel all the way, and whether any restriction should be placed on account of the distance between the place where the office is situate and where he resides.

DEPUTY PRESIDENT: That question will arise with regard to the Dewan Peishkar also.

MR. V. SUBBA AIYAR: Anyhow that question may be discussed by the Select Committee.

With reference to Mr. K. P. Raman Pillai's suggestion that the summons should be served personally, I may say that only three Sections are proposed to be amended. All the other Sections are left intact and they provide for the service of summons. Therefore, I do not think any serious omission has been made. I, therefore, beg to submit that no more explanation is necessary from me and I hope that the Bill will be accepted by the House.

DEPUTY PRESIDENT: Gentlemen, the question is that the principle of the Bill be accepted.

The motion was put and carried, 25 voting *for*, and 5 *against*.

The Secretary then read the title of the Bill.

MR. V. SUBBA AIYAR: Sir, I beg to move that the Bill be referred to a Select Committee.

MR. K. GEORGE: I second it.

DEPUTY PRESIDENT: The question is that the Bill be referred to a Select Committee.

The motion was carried.

DEPUTY PRESIDENT: Mr. Subba Aiyar, will you please nominate the members of the Select Committee?

MR. V. SUBBA AIYAR: I beg to propose Mr. G. Parameswaran Pillai, Mr. P. K. Narayana Pillai, the Land Revenue Commissioner,

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Mr. K. C. Raja Raja Varma and Mr. V. Subba Aiyar to be the members of the Select Committee. The time required for submitting the report is three months.

DEPUTY PRESIDENT: Does the House agree to the proposition that a Select Committee may be composed of the members mentioned by Mr. Subba Aiyar with power to report on the Bill within three months?

The motion was accepted.

DEPUTY PRESIDENT: I appoint Mr. Subba Aiyar as the Chairman of the Select Committee.

THE MUNICIPAL REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR: I understand that some of the municipal authorities would like to have one or two more amendments in the Bill. Though the Bill itself is put down for introduction, I would be satisfied if the Council would grant me leave to further amend the Municipal Regulation.

DEPUTY PRESIDENT: I suppose the House grants leave to introduce more amendments in the Bill than at present. It is apparently defective in the judgment of some municipal authorities and Mr. Subba Aiyar wants permission to introduce it at a later stage.

Leave was granted and the Bill withdrawn.

THE LAND CONSERVANCY REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR: Sir, I beg to move that the Land Conservancy Regulation Amendment Bill be read in Council.

MR. R. KRISHNA PILLAI: I second it.

MR. V. SUBBA AIYAR: Sir, the Bill proposes in the first instance to include within its category certain lands within Edavagais or Estates which are governed by the Rent Recovery Regulation. Why they are proposed to be included is this. Under the Rent Recovery Regulation every holder of land within Edavagais has got all the rights which he would have as a holder under Government. The properties are surveyed and settled by Government and the Edavagais are only entitled to the rent so settled. In the case of unregistered lands in these Edavagais it was represented to Government that the proprietors were put to considerable difficulty in the matter of evicting trespassers upon unregistered lands. Inasmuch as the tenants of the Edavagais enjoy the same privileges as holders under Government, they requested protection under the Land Conservancy Regulation. The Bill proposes to give effect to that request of the proprietors of Edavagais.

Then the next portion of the amendment is included under subclause (2) of Section 3. It says, among others, that all unassigned lands belonging to an unincorporated Devaswom under the sole management of Government shall be deemed to be the property of Government. All incorporated Devaswom lands are now treated under the Devaswom Proclamation as Pandaravagai lands. The protection that was originally meant to be given to incorporated Devaswom lands under the Land

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